

REMARKS

Claims 1-10 are pending in the application. Claims 4-10 were objected to. Claims 1-10 stand rejected under 35 U.S.C. § 112 second paragraph. Claims 1-3 stand rejected under 35 U.S.C. § 102(b).

Claim 1 has been amended. No new subject matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated July 20, 2007. In view of the amendments to claim 1 and the accompanying remarks, favourable reconsideration is earnestly solicited.

Claim Objections

Claims 4 - 10 stand objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim.

A preliminary amendment was filed on October 17, 2003 which removed the improper multiple dependent claims. However, Applicants note that in the Response to the Restriction Requirement filed on May 18, 2007, Applicants listed the original version of the claims, i.e., before the Preliminary Amendment. In this present amendment, Applicants have submitted the claims of record as presented in the Preliminary Amendment.

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Claim Rejections - 35 U.S.C. §112

Claims 1-10 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner asserts that in claim 1 the claim language of “said setting means” is indefinite. Applicants have amended claim 1 to recite “said setting **apparatus**” which addresses the Examiner’s rejection.

On the Merits

Claim Rejections - 35 U.S.C. §102

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Ramanathan et al.* (US 6,041,041).

Independent Claim 1:

Independent claim 1 requires in part:

measurement instruments comprise:

a sending/receiving means which communicates with an external apparatus or said setting means apparatus through said network;

a judgment means which judges whether this sending/receiving means is communicating through a connection-oriented connection; and

a setting means which performs network address settings based on the judgment results of said judgment means.

The Office contends that each of the three required elements of claim 1 is disclosed by *Ramanathan* in column 5, lines 39-52 and lines 65-67; column 6, lines 1-7 and 20-25; and column 11, lines 10-17. Applicants are unsure exactly how the Office is interpreting the claims and the cited reference as the Office has not specifically stated which passages of *Ramanathan* disclose which elements of claim 1. However, claim 1 requires a “measurement instrument” to contain all of the required features and therefore, the Office must show only one device which contains each of the required limitations of claim 1.

Column 5, lines 39-52 disclose several servers in an ISS (Internet/Intranet service system), namely: web content servers 66, proxy servers 67, Domain Name Servers (DNS) 65, address assignment servers 64, and network address translators 62. See also, figure 3. However, claim 1 requires “measurement instruments.” In other words, each measurement instrument must comprise a “sending/receiving means,” a “judgment means” and a “setting means.” It appears the Office is pointing to several different devices in order to disclose the claimed invention.

Ramanathan in fact does contain a “measurement system 70,” but the system does not contain the required features of claim 1. The measurement system 70 is but one aspect of the ISS (Internet/Intranet service system). As such, the measurement system 70 of *Ramanathan* does not disclose or fairly suggest the claimed invention.

Additionally, the Office also cites to column 5, line 65 through column 6, line 7, which discuss an “assignment server 64”. The Office cites to column 6, lines 20-25 which discuss a firewall 63. Column 11, lines 10-17 also discuss firewall 63.

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As indicated above, the Office must show each of the above stated elements of claim 1, where each element is comprised in a “**measurement instrument**.” The Office appears to be using different devices to order to attempt to show what is required in one device in the claimed invention.

As such, Applicants respectfully submit that the rejection of claim 1 is inappropriate.

Applicants also ask the Office to be more specific in providing details of where the Office believes the claimed feature is disclosed. Applicants would appreciate more specificity and as a result, may provide a more detailed response to the Office.

Dependent Claims 2 and 3:

As claims 2 and 3 each depend upon independent claim 1, the arguments presented above regarding claim 1 also apply to its dependent claims.

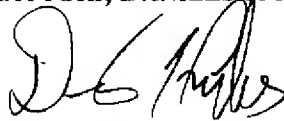
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned agent to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'D. Hubbs', is written over the firm name.

Dennis M. Hubbs
Agent for Applicants
Registration No. 59,145
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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